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TO: Examiner Eric F. Winakur  
 USPTO FACSIMILE No.: (571) 273-8300  
 USPTO REFERENCE: Applicant: Mohamed K. Diab  
                             Serial No.: 10/695,405  
                             Filed: October 28, 2003  
                             Title: OPTICAL SPECTROSCOPY PATHLENGTH  
                             MEASUREMENT SYSTEM  
 ATTORNEY: John M. Grover  
 PHONE No.: (949) 721-2946  
 ATTORNEY DOCKET No.: MASIMO.236C1  
 TOTAL PAGES: 15 (INCLUDING COVER SHEET)  
 OPERATOR: Lisa Sierra  
 DATE: January 24, 2006

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MESSAGE: *Attached for filing in the above-referenced application are:*

- TRANSMITTAL LETTER IN 2 PAGES
- AMENDMENT AND RESPONSE TO OFFICE ACTION DATED JULY 25, 2005 IN 6 PAGES
- INFORMATION DISCLOSURE STATEMENT AND PTO/SB/08 EQUIVALENT LISTING 138 REFERENCES IN 6 PAGES

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Docket No.: MASIMO.236C1

Page 1 of 2

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## AMENDMENT / RESPONSE TRANSMITTAL

Appl. No. : 10/695,405  
 Applicants : Mohamed K. Diab  
 Filed : October 28, 2003  
 TC/A.U. : 3736  
 Examiner : Eric F. Winakur  
 Title : ***Optical Spectroscopy  
Pathlength  
Measurement System***  
 Docket No. : MASIMO.236C1  
 Customer No. : 20,995

Confirmation No. : 5638

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

January 24, 2006

(Date)

John M. Grover, Reg. No. 42,610

Mail Stop Amendment  
 Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) an Amendment and Response to Office Action dated July 25, 2005 in 6 pages; and
- (X) an Information Disclosure Statement and PTO/SB/08 equivalent listing 138 references for consideration.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Excess Claims	20 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Excess Independent	3 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
3 Month Extension	1.17(e)(3)	1253 (\$1,020)		\$1,020
Information Disclosure Statement		1806 (\$180)		\$180
			<b>TOTAL FEE DUE</b>	<b>\$1,200</b>

An extension of time is hereby requested by payment of the appropriate fee indicated above.

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From-KNOBBE MARTENS OLSON BEAR

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T-386 P.003 F-218

Docket No.: MASIMO.236C1  
App. No.: 10/695,405

January 24, 2006  
Page 2 of 2

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
John M. Grover  
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